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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/395,935	09/14/1999	HIROAKI KOSEKI	991014	6682
38834	7590	02/22/2006	EXAMINER	
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036			JERABEK, KELLY L	
			ART UNIT	PAPER NUMBER
			2612	

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/395,935	Applicant(s) KOSEKI ET AL.	
	Examiner Kelly L. Jerabek	Art Unit 2612	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 January 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1, 23, 24, 26 and 27.
 Claim(s) withdrawn from consideration: 2-9, 13-21 and 28.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
 13. ☐ Other: _____.


TUAN HO
PRIMARY EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: 1) Applicant's arguments (After Final Amendment pages 4-5) state that the Hatano reference does not include "information set for the image taking to be set to the camera by the user before taking an image" as disclosed in claim 1. The Examiner respectfully disagrees. Hatano discloses in figure 1 a camera (100) capable of taking images at a plurality of different exposure amounts and generating a wide dynamic range synthesized image by synthesizing image signals corresponding to a plurality of frames of different exposure amounts (page 1, paragraph 12, page 2, paragraphs 32-39). Hatano also discloses an automatic wide dynamic range taking control means (202,203,207) for automatically controlling ON/OFF of generation processing of a wide dynamic range, synthesized image by determining based on information set for image taking (motion vector) whether it is suitable for wide dynamic range image taking or not (page 3, paragraph 40). The motion vectors disclosed by Hatano are generated as a result of a change of the positional relation between an object and a camera due to hand vibration (page 1, paragraphs 9-12). The Examiner is reading the direction that a camera is pointed as "information set for the image taking". Therefore, it can be seen that the direction that a camera is pointed "information set for the image taking" is used to generate motion vectors and the motion vectors are used to generate ON/OFF processing of a synthesized image.

2) Applicant's arguments (After Final Amendment page 5) states that the Hatano reference does not disclose all of the limitations of claim 27 concerning wherein the information set for the image taking is a taking mode setting information among a consecutive taking mode, sports taking mode, strobe taking mode, scenery taking mode, and macro-strobe taking mode, or shutter speed or zoom power. The Examiner respectfully disagrees. Hatano discloses a camera drive circuit (105) that can set an optimum shutter speed (page 3, paragraph 52). Therefore, it can be seen that an operator of the camera can set the shutter speed of the camera. Because of the or phrase in claim 27 the claim only requires that shutter speed included in the information set for the image taking.

3) Applicant's arguments (After Final Amendment page 5) states that the Hatano reference does not teach the features of claim 24 regarding a motion detecting section that detects motion in an object base on short-time exposure image data and long-time exposure image data. The Examiner respectfully disagrees. Hatano states that the motion detecting section (203) detects motion by comparing the motion vectors of each pixel of the different images to be synthesized (page 3, paragraph 40). The different images are sequentially picked up at different exposure amounts. Therefore, it can be seen that some images will have short-time exposure image data and some images will have long-time exposure data. The motion detecting section (203) detects motion in images of varying exposure amounts and will detect motion regardless of the exposure value. Thus, it can be seen that the motion detecting section will detect motion in an object based on relatively short-time exposure data and relatively long-time exposure data.

4) Applicant's arguments (After Final Amendment page 6) state that the Hatano reference fails to disclose controlling the generation processing of a wide dynamic range, synthesized image based on the hand vibration. The Examiner respectfully disagrees. Hatano states that a comparison circuit compares a threshold value with motion information to judge whether the motion of each pixel is caused by hand vibration (page1, paragraphs 9-12; page 5, paragraphs 85-86). Therefore, it can be seen that the motion detecting section (203) is capable of detecting camera shake.